

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 July 2023

Item: 2

Application No.:	22/01540/FULL
Location:	Land At Spencers Farm Summerleaze Road Maidenhead
Proposal:	Full planning application for enabling works comprising the provision of construction access, site preparation and earthworks (in connection with outline planning application for residential development of up to 330 new homes, land for a primary school of up to three forms of entry with associated landscaping, open space, car parking, drainage and earthworks to facilitate surface water drainage; and all ancillary and enabling works).
Applicant:	IM Land 1 Limited Summerleaze Limited
Agent:	Miss Jane Harrison
Parish/Ward:	Maidenhead Unparished/Riverside
If you have a question about this report, please contact: Sarah Tucker on 01628 796292 or at sarah.tucker@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site comprises an area of land which has been allocated for development under the adopted Borough Local Plan (BLP). The BLP sets out that Site Allocation AL25 has been allocated for approximately 330 residential units and educational facilities, with associated works, and sets out the expectation of proposals in delivering a scheme at the site.
- 1.2 This application seeks planning permission for enabling works associated with the proposed redevelopment of the site (proposed under application ref. 22/01537/OUT which is also on the Committee agenda), including site preparation, earthworks and the provision of a construction access to carry out the enabling works via a temporary heavy duty vehicle crossover on the Cookham Road. The report sets out the relevant Development Plan and other policy considerations relevant to this planning application as well as the necessary consultation responses that have been submitted during the course of the application. The report also sets out the main material planning considerations and assessment in relation to this planning application.
- 1.3 It has been demonstrated that the proposed enabling works to facilitate the redevelopment of the site are acceptable. The temporary vehicular access would not result in material harm to pedestrian and highway safety in the surrounding area, nor would the proposed works result in material harm to the appearance of the area, residential amenity, flood risk, ecology, trees or landscaping, subject to the use of appropriate conditions.

It is recommended the Committee grants planning permission with the conditions listed in Section 15 of this report.

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises approximately 19.2 hectares of mostly arable agricultural land, with small areas of grassland and woodland, located to the north of Maidenhead town centre. To the north of the site is a wooden copse area, with the single track Marlow railway branch line to the west, Green Belt land (Site Allocation AL28: Land north of Lutman Lane, Spencer's Farm) to the east, including a public footpath and the sports pitch used by Holyport Football Club and to the south, residential properties.
- 3.2 The site is located within Flood Zones 1 and 2, with the eastern part of the site within Flood Zone 3. There is a Public Right of Way along the north eastern boundary of the site (Route: MAID/20/3). There is currently no vehicular access onto the site.
- 3.3 The site forms the AL25, Land known as Spencer's Farm, north of Lutman Lane, Site Allocation within the BLP. To the east of the site is the AL28, Land north of Lutman Lane, Spencer's Farm, Maidenhead, a Green Infrastructure site providing sports facilities, public open space, habitat area and flood attenuation.

4. KEY CONSTRAINTS

- 4.1 The key site designations and constraints are listed below:
- BLP Site Allocation AL25, Land known as Spencer's Farm, north of Lutman Lane;
 - BLP Site Allocation AL28: Land north of Lutman Lane, Spencer's Farm to the east;
- and,
- Site is located within Flood Zones 1, 2 and 3.
- 4.2 The site is allocated as a development site within the BLP. It is not within the Green Belt.

5. THE PROPOSAL

- 5.1 The application seeks planning permission for enabling works at the site comprising:
- the provision of a construction access to carry out the enabling works via a temporary heavy duty vehicle crossover on the B4447 Cookham Road, located approximately 30m to the north of the northern Aldebury Road priority junction;
 - site preparation; and,
 - earthworks.
- 5.2 The proposed works are sought in connection with an outline planning application for a residential development on the site for up to 330 new homes, land for a primary school of up to three forms of entry with associated works (application ref. 22/01537/OUT). This application is also on the committee agenda. The proposed access would follow the alignment of the proposed access arrangements to serve the proposed development considered under application ref. 22/01537/OUT.
- 5.3 The works would involve a cut and fill exercise on the site in order to achieve the required levels for the proposed development. The works would raise the level across the majority of the site by between 1.0m and 2.0m, together with excavation of small areas of the north, south west and east of the site of up to 1.0m. The amount of material required to undertake the earthworks is approximately 130,970 cubic metres.

6. RELEVANT PLANNING HISTORY

- 6.1 Relevant planning history for this site is provided below and relates to the proposed development of the site to which the proposed enabling groundworks in this planning application relate. Furthermore, a Stakeholder Masterplan document (SMD) for the site was approved by Cabinet on the 21st July 2022.

Reference	Description	Decision
22/01537/OUT	Outline application for access only to be considered at this stage with all other matters to be reserved for residential development of up to 330 new homes, land for a primary school of up to three forms of entry with associated landscaping, open space, car parking, drainage and earthworks to facilitate surface water drainage; and all ancillary and enabling works.	Awaiting determination. This application is also on the committee agenda.

7 DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan (BLP)

Issue	Policy
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Noise	EP4
Contaminated Land and Water	EP5
Sustainable Transport	IF2
Rights of Way and Access to the Countryside	IF5
Character and Design of New Development	QP3
Housing Development Sites	HO1

- 7.2 As noted above, the site fall within the wider AL25 Site Allocation and to the east of the site is the AL28, Land north of Lutman Lane, Spencer's Farm, Maidenhead, a Green Infrastructure site providing sports facilities, public open space, habitat area and flood attenuation. As such additional reference is made to Policy HO1 and the associated Site Proformas below.

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Other Local Strategies or Publications

RBWM Environment and Climate Strategy

RBWM Corporate Plan

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

113 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16th June 2022 and the application was advertised in the Local Press on 16th June, 2022.

36 representations were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Surrounding roads are extremely busy. Another school and additional residential units would make the situation much worse.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
2.	The proposed access, on a high gradient/bend/with high traffic flows, would be dangerous and complicate access to the existing residential properties in the area.	See section 10.
3.	Wildlife in the area would be severely disrupted or even obliterated.	See section 10.
4.	Wrong to develop on open space. Better used solely for recreation purposes or to grow food.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
5.	Pollen rich gardens will make things worse for allergy sufferers.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.

6.	Consultation exercise seems to be a waste of time.	The applicant has conducted extensive consultation prior to submission and the Council has carried out formal consultation on the planning application in line with its statutory duties.
7.	School should be on the north side to minimise noise to properties on Aldebury Road and to improve the aspect.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
8.	Existing parking and traffic pressures in the area, with other developments also proposed.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
9.	No need for another primary school increasing demand on secondary schools. Recent census shows an aging population.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
10.	Bringing in material to build up site levels will cause immense traffic disruption, raise pollution levels and damage the highway.	See section 10.
11.	Area immediately surrounding the site has a past record of flooding. Increased flood risk. The evidence must be analysed by the EA. Existing residents have difficulty getting household insurance.	See section 10.
12.	Noise and air pollution during construction works, together with dust and road debris placing financial burden on residents and go against the RBWM eco-friendly ethos.	This would be dealt with under Environmental Health regulations to ensure that the development means relevant criteria/legislation.
13.	Proposals should not be viewed in commercial or numerical terms. Should be a longer-term strategy and truly innovative plans to enhance the community for existing and future residents. This is not the case.	The application is considered on its merits at the time of submission in accordance with relevant development plan policies.
14.	Concerns the proposals would devalue the existing houses in the area, particularly those currently enjoying countryside views.	This is not a material planning consideration in the determination of the application. The application is considered on its merits at the time of submission, in accordance with relevant development plan policies.

15.	Concerns with infrastructure impacts given already busy doctors and dentists.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
16.	Loss of ecological potential for the site. A brownfield site should be used instead.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT. Notwithstanding this, a condition is recommended to secure Biodiversity Net Gain.
17.	No attempt made to acknowledge or satisfy the BLP Proforma requirement for an exception test to be satisfied. Application should not be accepted without this.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
18.	Traffic assessment is incomplete and does not take into account three developments in Cookham, each adding traffic, as well as making unrealistic expectations on walking.	See section 10.
19.	Confusion on access to the two planning applications.	This application relates only to enabling works as set out in section 5. As part of this, a temporary construction access is proposed on the B4447 Cookham Road, located approximately 30m to the north of the northern Aldebury Road priority junction.
20.	Bland and unimaginative design for new dwellings.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
21.	Access for services should not be allowed. The development should have zero impact on the environment.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
22.	Concerns with foul water exit (raised by Thames Water) and increased sewage/water demand.	See section 10.

23.	Flats are a short term fix appealing to the younger generation. Where is the longevity of keeping residents and contributing to taxes.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
24.	Insufficient infrastructure in the area for new homes.	This application relates only to enabling works as set out in section 5. The redevelopment of the site is being considered under application ref. 22/01537/OUT.
25.	Loss of privacy from raised ground levels, plus height of proposed apartments.	See section 10.
26.	Wellbeing and mental health of local residents has not been adequately considered.	The site has been considered appropriate for redevelopment under the BLP and was the subject of extensive consultation and consideration.
27.	The PDF marked 22_01537_OUT—2616850 says Marnel Park Development Strategy and yet it is supposed to be about Spencers Farm. Marnel Park is in the Basingstoke area. This is suspect.	Noted. This document is submitted in connection with application ref. 22/01537/OUT. Notwithstanding this, the content of the document references the correct site.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency (EA)	No objection, subject to recommended condition.	See section 10
Lead Local Flood Agency (LLFA)	No objection, subject to recommended condition.	See section 10.

Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection, subject to recommended condition.	See section 10.
Highways	No objection, subject to recommended condition.	See section 10.
Ecology	No objection, subject to recommended condition.	See section 10.
Thames Water	The application indicates that surface water will not be discharged to the public network and as such no objections are	See section 10.

	<p>raised, subject to condition and approval from the LLFA.</p> <p>Should the applicant subsequently seek a connection to discharge surface water into the public network in the future, Thames Water would review this position.</p>	
Berkshire Archaeology	No objection, subject to recommended condition.	See section 10.
Trees	No objection, subject to recommended condition.	See section 10.

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Cookham Parish Council (CPC)	<p>These applications, based on flawed arguments, should be rejected due to non-compliance with the NPPF, BLP and EA.</p> <p>Query the suggestion in paragraph 4.4.4 of the Travel Plan that journeys up to 3.2km are an 'acceptable walking distance where walking is a realistic alternative to car use where some people (circa 31%) are still prepared to walk'. No basis whatsoever for that assumption is provided. It is strongly counter-intuitive: who is going to walk 3.1km back from a shop, laden with shopping, for example? On the contrary, that assumption is flatly contradicted by the Plan's own Image 4.1. This shows clearly that less than 20% of journeys over 1 mile and up to 5 miles (the change of measurement system between the measuring systems is confusing) are likely to be on foot. 3.2km is 2 miles, so is not even marginal to the 1 mile lower end of that range: it is twice the lower limit. It is plain therefore that the Travel Plan is based upon unrealistic assumptions as demonstrated by its own figures. Nor is any basis provided for the assumption about cycle usage. It is further quite clear that no thought has been given to potential use by residents of the new development to facilities in Cookham. Not a single such facility is mentioned in Table 4.3 'Local Facilities'. Thus, for example, retail facilities up to 2300m (i.e. about 1.5 miles) away in Maidenhead are mentioned. Yet</p>	<p>See section 10.</p> <p>All submitted documents in connection with the planning application have been made available on the Council's website for review and remain online. Furthermore, comments are accepted and taken into consideration as part of the application until such time as a determination/resolution is made.</p>

the CountryStore in Cookham, almost exactly two miles away is not even mentioned, despite being quicker to reach by car since the road access does not pass through the (congested, especially at rush hour) traffic lights as does the route to the Tesco Express (and despite being within the 3.2km wrongly claimed walking access distance, via pleasant country paths).

CPC believes that there will be an impact on Cookham's facilities, especially by road, which has not been factored into the plans in any way.

A substantial proportion of the documents relevant to the applications could not be accessed - the documents were 'unavailable for viewing at this time' - on RBWM's planning portal when this submission came to be prepared. It is most unsatisfactory that the consultation period closes at a time when documents are unavailable. The documents should be available throughout the consultation period; otherwise it is no true consultation period. The documents concerned included traffic documents important to this consultation response. CPC requests its extension accordingly.

CPC primary concerns based on what documents it has been able to consult are:

1. Traffic. As is sufficiently well known and accepted through the BLP consultation and development process hardly to need repetition, Cookham is already a traffic pinch point. The Pound (B4447) is a very narrow, 20mph, dangerous pedestrian/traffic single carriageway road which has to be used, despite its dangers, by pedestrians including parents taking children to school; Cookham High Street (B4447) is similar, running through a Conservation Area with a well-known history of minor vehicular damage; its junction with the A4094 just south of Cookham Bridge is the source of frequent traffic jams through the Conservation Area with resultant noise and pollution for residents; Cookham Bridge itself is the only route north over the Thames in the Borough, is a Listed structure, traffic light controlled, and thus causes further traffic

jams in the Conservation Area and south along the A4094. There can be no doubt that a significant Page 3 of 4 proportion of the around 600 cars likely to be generated by this development will head north into or through Cookham and add to all these already serious problems.

2. In doing so, many will use the old Maidenhead Road, a narrow single carriageway road which winds past terraced homes with poor visibility both for road users and residents trying to join the road. This will add significantly to the hazards of this road. The alternative, longer, route is the B4447 which is well known to be hazardous (note recent death there). Both roads use an entry to Cookham under Cannondown Bridge, an already notoriously difficult/dangerous structure, the current subject of discussions between CPC and RBWM which is agreeing to install new measures relating to pedestrian safety, which is frequently damaged (with the road sometimes being closed as a result) by high goods vehicles. CPC considers that the traffic issues raised in these two paragraphs are sufficiently severe to meet the NPPF test required to justify refusing this application on traffic grounds.

3. The above omits mention of the proposed development on site AL37, Lower Mount Farm, Cannondown Road, Cookham. That development is proposed for 200 homes, and will thus add about 400 new cars to the stressed network described – it is proposed at present by the developer via a single access onto Cannondown Road, south of Cannondown Bridge. In addition, a development of 20 homes is proposed on site AL38, Strande Park, which also enters the wider road network onto Maidenhead Road. The existing problems will therefore be seriously exacerbated by those developments. There are significant understatements of the problems which will arise from this development.

CPC wishes to add that the developments planned and being built at Slate Meadow and Hollands Farm in Bourne End, with a total of just under 1,000 homes, will

obviously also seriously exacerbate these existing issues. Cookham Bridge, Cookham High Street, the Pound and the B4447 will be the major route south to Maidenhead for all the southerly traffic generated by those two large developments. There will be significantly increased pedestrian traffic hazards, queuing and hence noise and air pollution – all especially in the Pound due to its very narrow pavement, a pedestrian route for children attending Holy Trinity Primary School.

4. In this respect too, CPC notes with particular concern the issues arising from the railway bridge on the Cookham Road immediately to the west of the site. This bridge has obscured sight-lines due to its hump-back construction, is immediately east of the road junction between the Maidenhead Road heading north and Gardner Road heading west and is right by a corner. It has 13 metric tonne weight restriction, which has led to barriers restricting its width. Yet it is likely to be used; (a) by construction traffic using heavy vehicles and requiring many traffic movements – or else that will all have to go south through residential areas past three primary schools; and (b) permanent resident traffic heading west (including south-west into Maidenhead towards the M4) as well as north towards Cookham, Marlow and Henley. It will be a serious hazard to both traffic and pedestrians, justifying refusal.

5. Nor should the traffic and pedestrian inflows into the site to access the new school be forgotten. Added to the issues referred to above, they will significantly worsen already great traffic and pedestrian safety problems.

6. CPC repeats its view that all this meets the NPPF test of 'unacceptable impact on highway safety' both individually and cumulatively and/or because the 'residual cumulative impact on the road network would be severe' (NPPF paragraph 111) and justifies refusing the application.

7. The proposal will plainly result in significant pedestrian movement of

children both generally, including to local shops, but in particular to schools outside the site at rush hour. This is effectively admitted by the Travel Plan. The traffic issues highlighted above indicate significant danger to such pedestrians including especially such pupils at rush hour. No adequate measure are, or could be in CPC's view, proposed to prevent this danger.

8. Flooding. As the Rt Hon Theresa May MP has cogently pointed out in her own comment in the proposal, the site is unacceptably exposed to flood risk. CPC does not believe that the proposals made in connection with this development deal properly/adequately with this issue. Cookham is a serious flood risk and anything north of the Jubilee River which Page 4 of 4 increases this risk by greater run off or use of the flood plain is unacceptable. It urges rejection of the proposal for that reason too. CPC does not consider that the proposals meet the test laid down by paragraph 153 of the NPPF by properly dealing with the 'implications for flood risk, ... biodiversity and landscapes'. Without rehearsing all the relevant parts of the NPPF and Environment Agency relating to potential developments at risk of flooding, CPC mentions simply that Sir James Bevan, the head of the Environment Agency, is on record as saying: "Building in the flood plains in England should be avoided if at all possible", and says simply that it does not consider that this development meets those requirements, including the exception test, and hence should be rejected on those grounds.

9. CPC understands that the presence of protected wildlife has been reported. Further, the use of this substantial area of countryside for housing will significantly reduce the green and infrastructure north of Maidenhead/south of Cookham, contrary to both national criteria (e.g. NPPF (2021) paragraph 8(c) 'improving biodiversity', 11 (c) 'improve the environment', 174(d) 'minimising impacts on and providing net gains for biodiversity', 180(d) 'if significant harm to biodiversity resulting from a development cannot be

	<p>avoided ... adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused') and the policies of the BLP which require plans to demonstrate enhancement of green and blue infrastructure. For those reasons too, CPC objects to it.</p>	
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10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development;
- ii Flooding and Sustainable Drainage;
- iii Parking and Highways Impacts;
- iv Design and character;
- v Impact on amenity of neighbouring buildings; and,
- vi Other material considerations.

Principle of development

10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map.

10.3 The application site comprises Site Allocation AL25, Land known as Spencer's Farm, north of Lutman Lane, which is allocated for approximately 330 residential units and educational facilities. The Green Belt boundaries have been re-drawn under the current BLP and the application site is no longer within the Green Belt. The BLP identifies the site as appropriate for residential and educational development, subject to site specific requirements.

10.4 The proposed works which form part of this planning application are sought in order to facilitate the delivery of this residential and education use on the site. The levelling/excavation works would have an acceptable impact on the appearance of the site and the access forming the subject of this application is temporary only which would be secured by recommended condition. On this basis, the principle of the works is acceptable.

Flooding and Sustainable Drainage

10.5 Policy NR1 of the BLP states that within designated Flood Zones 2 and 3 (and also in Flood Zone

1 on sites of 1 hectare or more in size and in other circumstances as set out in the NPPF) development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. Policy NR1 goes on to state that development should not itself, or cumulatively with other development, materially:

- a. impede the flow of flood water;

- b. reduce the capacity of the floodplain to store water;
 - c. increase the number of people, property or infrastructure at risk of flooding;
 - d. cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere;
 - e. reduce the waterway's viability as an ecological network or habitat for notable species of flora or fauna.
- 10.6 The application has been submitted alongside a Flood Risk Assessment (FRA) and Outline Drainage Strategy which has been the subject of formal consultation with the EA. The site is predominantly located within Flood Zones 1 and 2, with the eastern part of the site within Flood Zone 3 (high probability of flooding). In terms of surface water flood risk, it is set out that parts of the site are at very low, low, medium and high risk of surface water flooding. The EA have confirmed that the submitted modelling is acceptable and that the works proposed within this planning application would take place on land which is outside of Flood Zone 3a with allowances for future flood risk due to climate change. Therefore, there would be no impact on fluvial flood storage capacity as a result of this application.
- 10.7 The Local Lead Flood Authority is satisfied that the FRA and the Outline Drainage Strategy is appropriate and will have acceptable storage on site to accommodate run-off and as such raises no objection to the proposals. A condition is recommended to ensure compliance with the submitted FRA as well as a condition relating to non-infiltration of surface water drainage. The EA requested conditions relating to submission of a remediation strategy; however, the Council's Environmental Protection Officer is satisfied with the submitted remediation strategy and compliance with this has been set out in a recommended condition, alongside the submission of a verification report and a condition relating to unexpected contamination, as required by the EA. A condition is recommended requiring compliance with the full FRA in the event that the residential development is not implemented.

Parking and highways

- 10.8 Policy IF2 of the BLP requires new development to be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport as well as development proposals demonstrating how they have met a range of criteria including being designed to improve accessibility to public transport, to be located so as to reduce the need for vehicular movements and to provide cycle parking in accordance with the Parking Strategy. Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposal maximise and promote opportunities for sustainable transport modes.
- 10.9 The application has been submitted alongside a Construction Environmental Management Plan (CEMP) and a Transport Assessment (TA) (Enabling Works) which relates to the proposed works. The proposals relate to the creation of a temporary access which would be used during the enabling works only. The access would be in the form of a temporary heavy-duty vehicle crossover, located off the B4447 Cookham Road, approximately 30m to the north of the northern end of the Aldebury Road priority junction. Cookham Road is a two way single carriageway road with a 30mph speed limit. The proposed access provides the required sight lines (2.4m by 43m) in both directions for vehicles travelling at 30mph, with sufficient space for a large tipper to safely turn right into the site in the event that a similar vehicle was waiting to turn left, therefore ensuring that there would be no requirement for waiting on the main carriageway. The proposed temporary access would not therefore result in material

harm to highway safety in the surrounding area. A condition is recommended to secure the provision of the access prior to commencement of the enabling works.

- 10.10 The proposed enabling works would take ten months to complete and would generate 84 lorry movements (two-way movements) per day from Monday to Friday and 42 movements (two-way movements) on Saturdays. The submitted reports set out that working and delivery hours would be 08:00 to 18:00 from Monday to Friday, and 08:00 to 13:00 on Saturdays. This is acceptable from a highways perspective.
- 10.11 In the absence of a site set-up plan, a condition is recommended which would secure details of parking, loading/unloading, wheel washing, welfare and office and facilities in the form of a revised Construction Management Plan. This would also secure further details for the management of arrival of construction vehicles to minimise disruption from multiple vehicles attending the site at the same time. The existing footpath on the northern side of the B4447 Cookham Road linking to Aldebury Road is shown on the submitted plans to be maintained throughout the enabling works and the level of the haul road is also shown to be made up to footpath levels with pedestrian crossing warning signs to be provided to inform approaching tipper lorry drivers. This would be secured by a recommended condition relating to the approved plans.

Design and Character

- 10.12 Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, ware features enclosure and materials. Policy QP3 is consistent with the objectives of Section 12 of the NPPF (2021) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development.
- 10.13 The proposed heavy duty vehicle crossover is temporary only and is therefore acceptable in order to facilitate the works. A condition is recommended to ensure that the land with regard to the temporary access is returned to its existing state once the enabling works are complete. The proposed levelling and/or excavation across the site is modest and would facilitate the wider redevelopment of the site. In this context, the enabling works are acceptable and would not in themselves harm the appearance of the site.

Amenity

- 10.14 Policy QP3 of the BLP requires new development to have regard to a number of principles. Policy QP3 (m) requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight” which echoes the objectives of paragraph 130(f) of the NPPF (2021) a consideration to be given significant weight, and states developments should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 10.15 The proposed temporary access, which would be removed upon completion of the enabling works, together with the site preparation, would not in itself result in material harm to amenity of occupiers of surrounding properties. The proposed cut and fill across the site to achieve the required levels for the proposed development of the site would raise the level across the majority of the site between 1.0m and 2.0m. In the context of the site and given the relationship with surrounding properties, the actual modest raising of the ground would not result in unacceptable harm to the amenity of neighbouring occupiers in terms of loss of light, privacy or an increased sense of enclosure.
- 10.16 Policy EP2 of the BLP requires development proposals to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. Development proposals which may result in significant increases in air pollution must contain appropriate mitigation measures in order to reduce the likelihood of health problems for residents.
- 10.17 As such, whilst outside of an AQMA, the application has been submitted alongside an Air Quality Assessment in order to address the impact of the proposed works on local air quality both during the construction and operation phase. The report includes a dispersion modelling study of the local air quality conditions and the potential impact from additional vehicle exhaust emissions, concluding that the predicted annual mean nitrogen dioxide concentrations at the receptor points would be below current relevant air quality objectives. Accordingly, the proposed development of the site both during construction and operation, would have an acceptable impact on air quality in the surrounding area in line with the BLP Site Allocation requirements. In addition, the report sets out recommended measures to reduce the risk of dust and exposure to pollutants during works and these measures would be secured by recommended condition.
- 10.18 Policy EP5 of the BLP sets out that development proposals will be supported where it can be demonstrated that proposals will not cause unacceptable harm to the quality of groundwater, including Source Protection Zones, and do not have a detrimental effect on the quality of surface water. Development proposals should demonstrate how they will achieve remedial or preventative measures and submit any supporting assessments. Development proposals will also be reviewed under pollutant linkage (source-pathway-receptor) risk assessments in relation to measures that affect surface and groundwater and be required to demonstrate that adequate and effective remedial measures to remove the potential harm to human health and the environment are successfully mitigated.
- 10.19 The application has been submitted alongside a Land Quality Statement, a Piling Risk Assessment and an Outline Earthworks Specification. These documents demonstrate that the risk to sensitive receptors such as future users of the site and Controlled Waters is generally low with respect to soil contamination including asbestos, with no on-site source of ammonia identified. Furthermore, it has been demonstrated that whilst ground gas is present at the site, it does not present an elevated risk and no further risk assessment or preclusion measures are required.
- 10.20 In addition to the above, a Remediation Specification and verification reporting proposal has been submitted which is satisfactory and should be carried out as detailed within the report. This is secured by a recommended condition and a condition is also recommended to ensure that any unexpected contamination is dealt with appropriately.

- 10.21 Policy EP4 of the BLP requires development proposals to consider the noise and quality of life impact on recipients in existing nearby properties, ensuring they will not be subject to unacceptable harm, setting out that development proposals that generate unacceptable levels of noise and affect quality of life will not be permitted. Effective mitigation measures will be required where development proposals may generate significant levels of noise (for example from plant and equipment) and may cause or have an adverse impact on neighbouring residents, the rural character of an area or biodiversity.
- 10.22 The application has been submitted alongside a Noise Impact Assessment which confirms that noise levels during construction works would be in line with relevant legislation. This is acceptable and would be covered by Environmental Health legislation during works. The enabling works once completed would not result in a material increase in noise and disturbance in the surrounding area.

Other material considerations

Trees

- 10.23 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness.
- 10.24 The application has been submitted alongside an Arboricultural Implication Assessment. The indicative design and layout of the proposed development, together with the access points, have been structured around the existing form of the site which would ensure that tree removals are kept to a minimum. No Category A trees have been identified as requiring removal to facilitate the development. The visual impact of tree loss would be minimal due to the enclosed nature of the southwest corner of the site where all removals are located. Replanting would be secured under application ref. 22/01357/OUT.
- 10.25 The single veteran tree within the development area has been correctly identified and designed into the proposed layout of the landscape. The correct buffer zone has been applied and suitable protection set out to ensure that the increased pedestrian traffic post-development would not have a negative impact on the condition of this tree. Tree protection measures for this tree and other retained trees within the site would be secured by a recommended condition. Where pruning work to retained trees has been deemed necessary due to health and safety implications, practical recommendations have been made which would avoid any negative impact to the overall condition of these trees. Furthermore, the woodland management recommendations are sensible and would improve the future condition of these woodlands. Any tree work should be carried out to the standards set in BS3998:2010 and current industry guidelines. A condition is recommended to ensure that no further tree works other than that which is shown on the submission are carried out at the site.

Ecology and biodiversity

- 10.26 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance.

- 10.27 The application has been submitted alongside an Ecological Assessment and a Biodiversity Net Gain Assessment. Whilst there would be impacts on wildlife and habitats, these are assessed fully as part of the concurrent outline planning application also on this committee agenda (ref. 22/01537/OUT) and overall there would be a proposed increase of biodiversity net gain of 11.74%. Whilst there is a full assessment of the impacts of the ecology and biodiversity on site on the concurrent outline planning application, it is important that wildlife and habitats are protected during the engineering works and as such a construction environmental management plan is secured by recommended condition for the current application. A condition is also recommended to ensure compliance with the uplift in biodiversity net gain in the event that the residential development is not implemented on the site.

Archaeology

- 10.28 Policy HE1 of the BLP requires all applications for works in archeologically sensitive areas to include a desk-top archaeological assessment.
- 10.29 Prior to gravel extraction, the site evidenced prehistoric remains in the north-western area of the application site indicating a possible prehistoric settlement, along with nearby ring ditches, enclosures, ditches and trackways, and a barrow cemetery further south. Further northwest, approximately 575m beyond the site, there was a Bronze age settlement at Switchback Road. Together, these give clear indication of extensive prehistoric activity in the area and, therefore, potential for evidence to remain where gravel extraction has not taken place. The area also has some potential for Roman activity, with a Roman settlement and kiln at Priors Pit approximately 520m north, and an urn and coin found 200m south of the site at Spencers Farm, although nothing is directly known within the site. Spencers Farm itself is a medieval moated manor approximately 150m south of the application boundary and it is possible that associated remains may also survive around its perimeter.
- 10.30 Given that the site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development, a condition is recommended to secure a phased scheme of archaeological work which should be implemented in accordance with a Written Scheme of Investigation in order to mitigate the impacts of the proposed development.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is not CIL liable.

12. PLANNING BALANCE

- 12.1 The application site forms part of the AL25 Spencers Farm Site Allocation pursuant to policy H01 of the BLP. The proposed enabling works to facilitate the development of the site are acceptable in principle and complies with relevant development plan policies.
- 12.3 For the reasons set out within this report, the proposed development is acceptable and the recommendation therefore is that planning permission is granted, subject to recommended conditions as set out in this report.

13 CONCLUSION

- 13.1 The application, would for the reasons set out above, represent an acceptable form of development to enable development works to be carried out on an Allocated Site in the BLP.

14. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Site access arrangements
- Appendix C- Proposed contours
- Appendix D- Proposed ground levels

15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to commencement of the works, the temporary access shall be constructed in complete accordance with the approved plans. Following completion of the enabling works, the site, with regard to the temporary access, shall be restored to its existing condition and the land restored to its former condition.
Reason: in view of the particular circumstances of this application and to ensure that the development is carried out in accordance with the approved particulars and plans and in accordance with policies QP1, QP3 and IF2 of the Borough Local Plan.
- 3 No deliveries in connection with the enabling works shall be taken or dispatched from the site between 08:00 and 09:00 hours and 15:00 and 16:00 hours.
Reason: In the interests of highway safety and the free flow of traffic in accordance with policies IF2 and QP3 of the Borough Local Plan.
- 4 In the event that the reserved matters permission is not granted within five years of the date of this permission, an updated biodiversity net gain calculation and associated plan for on site delivery and monitoring shall be submitted to and approved in writing by the Local Planning Authority to provide details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved). The plans shall be in accordance with the updated biodiversity net gain assessment and shall include (but not limited to) the following:
 - a) A habitat management plan;
 - b) Long term aims and objectives for habitats and species;
 - c) Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/ machinery or equipment and personnel as required to meet the stated aims and objectives;
 - d) A detailed prescription and specification for the management of the new habitats;
 - e) Details of any management requirements for species specific habitat enhancements;
 - f) Annual work schedule for at least a 30 year period;
 - g) Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives;
 - h) Details of proposed reporting to the council and council ecologist and proposed review and remediation mechanism; and,

i) Proposed costs and resourcing and legal responsibilities.

The measures shall thereafter be implemented/installed in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure the provision of biodiversity enhancements and a net gain for biodiversity if the residential development of the site is not implemented, in accordance with the NPPF and policy NR2 of the Borough Local Plan.

5 Prior to commencement of the enabling works, a revised Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The revised CMP shall include the following:

- a. Waste and Dust mitigation plan for the removal and suppression of waste materials arising from the development;
- b. The location and operation of plant and wheel washing facilities;
- c. Loading and unloading of plant and materials;
- d. Details of the storage of materials;
- e. Programme of works (including measures for traffic management);
- f. Provision of boundary hoarding and visibility zones;
- g. Rationalise travel and traffic routes to and from the site;
- h. Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity;
- i. Measures to deal with safe pedestrian movement on-site and off-site;
- j. Parking for vehicles for site personnel, operatives, and visitors; and,
- k. Security Management (to minimise risks to unauthorised personnel).

The works shall be carried out in complete accordance with the approved CMP.

Reason: In the interests of highway safety and the free flow of traffic in in accordance with policies IF2 and QP3 of the Borough Local Plan.

6 The works shall be carried out in complete accordance with the Remediation Specification prepared by Campbell Reith dated May 2022 prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority, with the Local Planning Authority given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP5 of the Borough Local Plan.

7 In the event that contamination is found at anytime that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within two working days. An investigation and risk assessment must then be undertaken and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall then be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land

and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP5 of the Borough Local Plan.

- 8 No development shall take place until a phased programme of archaeological works (which may include more than one phase) has been implemented in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. an assessment of significance and research questions;
- b. The programme and methodology of site investigation and recording;
- c. The programme for post investigation assessment;
- d. Provision to be made for analysis of the site investigation and recording;
- e. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- f. Provision to be made for archive deposition of the analysis and records of the site investigation; and,
- g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The Development shall take place in accordance with the WSI approved under this condition. The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the WSI approved under this condition and provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To protect potential archaeological remains within the site and surrounding area in accordance with policy HE1 of the Borough Local Plan.

- 9 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on plan number 37-1021.01-N contained within the Arboricultural Impact Assessment prepared by FLAC, dated October 2022, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area in accordance with policy NR3 of the Borough Local Plan

- 10 No tree or hedgerow shown to be retained in the Arboricultural Impact Assessment prepared by FLAC, dated October 2022, shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the buildings for their permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area in accordance with policy NR3 of the Borough Local Plan.

- 11 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Details of further survey for badger, bats, otter and water vole;
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include all mitigation measures outlined in the ecology report prior to commencement of any works to ensure that conditions on the site have not significantly changed since the time of the surveys, reasonable avoidance measures during site clearance works for reptiles, nesting birds, and hedgehog (including measures which would be undertaken should any individuals of these species be found), removal of the identified PRF under the supervision of a suitably qualified ecologist, protection of the river and any vegetation to be retained, and construction lighting to be directed away from any suitable bat habitat;
 - e) The location and timing of sensitive works to avoid harm to biodiversity features, including invasive species method statement ;
 - f) Times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
 - i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the works strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise impacts on biodiversity in accordance with Policy NR2 of the Borough Local Plan and Paragraphs 170 and 175 of the NPPF.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Borough Local Plan policy EP5.
- 13 The development shall be carried out in accordance with the flood mitigation measures set out in the Flood Risk Assessment and Outline Drainage Strategy, prepared by WSP, Rev. 01, dated 26th May 2022.
- Reason: To secure an acceptable standard of residential amenity and to ensure that the proposed development is safe from flooding in accordance with policies QP3 and NR1 of the Borough Local Plan.
- 14 The development shall be carried out in complete accordance with the mitigation measures set out in Section 6 of the Air Quality Assessment, prepared by WSP, dated May 2022.
- Reason: To secure an acceptable standard of residential amenity in accordance with policies QP3 and EP2 of the Borough Local Plan.
- 15 The reptile translocation shall follow the methodology set out in the Ecological Impact

Assessment (Grassroots, May 2022) and the Reptile Translocation report (Grassroots, November 2022) unless otherwise agreed in writing by the Local Planning Authority. A report detailing the reptile translocation results, details of the protection of reptiles during and following development and the management and maintenance of the receptor site in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure that reptiles, a group of protected species, are not adversely affected by the proposals, in line with policy NR2 of the Borough Local Plan.

- 16 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

RG-M-26 Rev. A

RG-M-20 Rev. B

ITB4215-GA-028 Rev. B

ITB4215-GA-031 Rev. A

ITB4215-GA-034

Informatives

- 1 The waste activities associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.